

17 November 1955

MEMORANDUM FOR: Claims Branch, Fiscal Division

SUBJECT : Motor Vehicle Accident Claims Nos. 00780,  
00781, 00782

REFERENCE : Memoranda from Recording Secretary, Headquarters Board of Survey, same subject,  
dated 22, 28, and 30 September 1955

1. This Office has reviewed motor vehicle accident files Nos. 00780, 00781, 00782.

2. We note that, as regards files Nos. 00781 and 00782, the Board of Survey recommends the assessment of pecuniary liability, subject to present suspension, against the Agency drivers involved. We are not familiar with the administrative processes by which the collection of the liability so assessed would be accomplished. However, we wish to make it clear that collection cannot be accomplished in these instances by payroll deduction, or against the individual driver's will (40 Op. Att'y Gen. 38 (1941)).

3. Should an employee involved in any of these accident situations not wish to pay for any damages to Government property out of his own pocket, the Agency may force collection from him only upon the institution of a lawsuit against him and a favorable decision thereon. Even then, however, actual collection may be had not by payroll deduction but either by offset against other monies possibly owed him by the Government or by informal "pressure". In the event that the employee voluntarily will agree to pay the amount of any damages to Government property, the amount involved may not be deducted from his pay but must come from him personally.

4. The files are forwarded.

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[REDACTED]

Office of General Counsel

Enclosures

OGC/HF:jc

Distribution:

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1. - Signer

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1. - Subject

1. - Chrono